

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B-216526

**DATE:** October 15, 1984

**MATTER OF:** RSS Combustion Corporation

**DIGEST:**

Protest contending that specification was unduly restrictive of competition is dismissed as untimely because it was not filed prior to closing date for receipt of initial proposals.

RSS Combustion Corporation (RSS) protests the heating equipment specification in contract No. N62472-83-C-4473 awarded by the Department of the Navy. RSS contends that its own equipment is functionally equal to or superior to that required by the specification but was rejected for failure to meet the specification.

Section 21.2(b)(2) of our Bid Protest Procedures, 4 C.F.R. Part 21 (1984), requires that protests based upon alleged improprieties in any type of solicitation which are apparent prior to bid opening or the closing date for receipt of initial proposals shall be filed prior to the bid opening or the closing date. The material submitted with this protest indicates that RSS did not protest prior to that time. Therefore, the protest is untimely and is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
General Counsel

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